

2005 DRAFTING REQUEST

Bill

Received: **01/10/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us
robert.nelson@legis.state.wi.us
pam.shannon@legis.state.wi.us
mary.offerdahl@legis.state.wi.us
anne.sappenfield@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Demonstrations at funerals

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/17/2006	jdye 01/17/2006		_____ _____			S&L Crime
/1			rschluet 01/17/2006	_____ _____	lemery 01/17/2006		S&L Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mdsida 01/24/2006	jdyer 01/24/2006	rschluet 01/24/2006	_____	sbasford 01/24/2006	sbasford 01/24/2006	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **01/10/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us
robert.nelson@legis.state.wi.us
michael.dsida@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Demonstrations at funerals

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/17/2006	jdyer 01/17/2006		_____			S&L Crime
/1			rschluet 01/17/2006	_____	lemery 01/17/2006		

2005 DRAFTING REQUEST

Bill

Received: **01/10/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us
robert.nelson@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Demonstrations at funerals for service members

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida	12/24/05	JG				

FE Sent For:

<END>

Nelson, Robert P.

From: Reineking, Marlene
Sent: Monday, January 09, 2006 4:38 PM
To: Nelson, Robert P.
Subject: "Let Them Rest in Peace Act"
Importance: High

Schenck v Pro-Choice Network

BOB ... HAPPY NEW YEAR TO YOU !!

WHO DOES DRAFTING FOR THIS ISSUE ???

THANKS MARLENE

*1/10 Bob says Marlene will call to let
us know how to classify*

From: Bob Gutsche [mailto:gutsche@mwt.net]
Sent: Monday, December 26, 2005 9:40 AM
To: Rep.Musser; se.brown@legis.state.wi.us
Subject: PRINTED FW: "Let Them Rest in Peace Act"
Importance: High

**Ok are we going to fall behind Illinois? Lets get this passed in Wisconsin.
Please advise of your stance**

**Bob Gutsche
31506 Fremont Ave
Tomah**

-----Original Message-----

From: SamnSandy [mailto:s.veer@verizon.net]
Sent: Friday, December 23, 2005 10:46 PM
To: Undisclosed Recipient
Subject: "Let Them Rest in Peace Act"

STATE OF ILLINOIS OFFICE OF
LIEUTENANT GOVERNOR PAT QUINN (D)
For Immediate Release
Sunday, December 4, 2005 Contact: Eric Schuller: c. 815-341-9564
New legislation to limit vile, disruptive, and inflammatory protests at funerals
CHICAGO –Today, Lt. Governor Pat Quinn introduced the "Let Them Rest in Peace Act" – legislation to limit vile, disruptive, and inflammatory protests within 300 feet of all Illinois funeral services. The "Let Them Rest in Peace Act" is a response to a series of demonstrations at

funeral services for Illinois
military personnel.

"No grieving military family should be subjected to vile epithets and signs at the funeral service of their loved one who has made the ultimate sacrifice for our country," Quinn said. "This legislation strikes an important balance between the First Amendment religious rights of families to bury their dead with reverence and the expression rights of those seeking to picket a funeral service."

The "Let Them Rest in Peace Act" applies to all funerals and memorial services in Illinois. The legislation creates a 300-foot buffer zone between protestors and the site of funeral services. Disruptive and inflammatory protest would be prohibited 30 minutes before a funeral, during a funeral, and 30 minutes after the funeral within the 300-foot buffer zone.

Quinn was joined by Illinois Gold Star families including Dave and Ann Larson of Wheaton, John Collins of Crystal Lake, John and Angela Giannopoulos of Inverness, and Jesse Alcozer of Villa Park. All four families have lost a son in service to our country.

Lance Cpl. Nicholas D. Larson, died on November 9, 2004 in Al Anbar Province, Iraq. He was assigned to the 3rd Battalion, 1st Marine Regiment stationed in Camp Pendleton, California. He was 19 years old.

Lance Cpl. Jonathan W. Collins, died on August 8, 2004 in Al Anbar Province, Iraq. He was assigned to the 2nd Battalion, 4th Marine Regiment stationed in Camp Pendleton, California. He was 19 years old.

CPL Peter Giannopoulos died November 11, 2004 in Babil Province, Iraq. He was assigned to the 2nd Battalion, 24th Marine Regiment stationed in Waukegan, Illinois. He was 22 years old. Army Pvt. Christopher M. Alcozer died two weeks ago on November 19 in Mosul, Iraq. He was assigned to the 2nd Battalion, 1st Infantry Regiment stationed at Fort Wainwright, Alaska. He was 21 years old.

-30-

_____ NOD32 1.1337 (20051223) Information _____

This message was checked by NOD32 antivirus system.
<http://www.nod32.com>



DEPARTMENTS OF THE ARMY AND AIR FORCE
JOINT FORCE HEADQUARTERS WISCONSIN
WISCONSIN NATIONAL GUARD
2400 WRIGHT STREET
POST OFFICE BOX 8111
MADISON WISCONSIN 53708-8111

January 5, 2006

Ms. Amy Kasper
Chief Legal Counsel
Office of the Governor
State Capitol 115 East
Madison, Wisconsin 53702

Re: Protests/Demonstrations at Servicemembers' Funerals

Dear Ms. Kasper:

The senior leadership of the Wisconsin National Guard seeks to insulate family members, and maintain dignity at funerals, of fallen servicemembers from protests and demonstrations by Fred W. Phelps and the Westboro Baptist Church. Phelps and the members of Westboro spread their hate message by displaying signs at these funerals which states "Thank God of IEDs,"¹ "Thank God for Dead Soldiers," and "Too Late for Prayer." Further, Phelps and the Westboro members shout insults at grieving family members and funeral attendees.

As a result of such outrageous conduct, the Wisconsin National Guard sought the assistance of the Attorney General's Office. On November 23, 2005 the Attorney General's Office began notifying district attorneys, corporation counsel, and local law enforcement from those communities likely to be the target of Phelps and Westboro's protests and demonstrations.

The Attorney General recognized that some forms of speech are protected under the First Amendment of the United States Constitution. Nevertheless, courts recognize enumerated exceptions to free speech such as fighting words, speech that incites imminent lawless action, obscenity, slander, and true threats. *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942); *State v. Zwicker*, 41 Wis. 2d 497, 164 N.W.2d 512 (1969); *State v. Douglas D.*, 243 Wis. 2d 204, 626 N.W.2d 725 (2001).

The Attorney General relies on Wis. Stat. § 947.01, a Class B misdemeanor disorderly conduct statute, to prosecute Phelps and Westboro for any actions deemed a violation. The enforcement of Wis. Stat. § 947.01 is, in any given situation, a fact intensive inquiry.

Currently, the Attorney General's Office and the Wisconsin National Guard are monitoring funerals involving all fallen servicemembers in the State of Wisconsin and which may be the target of any demonstrations and protests.

¹ "IED" is an acronym for an "Improvised Explosive Device" frequently used by terrorists against the United States military in Iraq.

Several states are sponsoring legislative initiatives, and some states may have already passed legislation, which elevates protests and demonstrations at servicemembers' funerals to a felony offense. At least one state statute was deemed unconstitutional by the courts. Wisconsin does not currently maintain any such a legislative initiative.

Family members of any fallen servicemember maintain the right to grieve their loss free of exposure from the maliciousness and hate messages presented by Phelps and Westboro. The insulation of these family members during the solemn reverence of a funeral remains a paramount concern to the senior leadership of the Wisconsin National Guard. Please be assured that this organization will do all which is allowed under the law to protect the families whose sons and daughters have given the ultimate sacrifice for our country.

Should you have any questions or concerns regarding any of the issues presented, please feel free to contact me at any time.

Sincerely,

JULIO R. BARRON, Lt Col, WI ANG
Staff Judge Advocate

c: Lieutenant Governor Barbara Lawton
John Lease
Representative Terry M. Musser
Senator Ron Brown
Daniel A. Leistikow
Nathan J. Zolik
Major General Albert H. Wilkening
Brigadier General Kerry G. Denson
Lieutenant Colonel Timothy D. Donovan
Command Sergeant Major John M. Hauschildt

From

Phelps v Hamilton 120 F3d 1126
840 F.Supp. 1442

+

IN House H.B. 1201 500 ft. limit
MO HB 1026 SB.
OK 2005 Bill 1020
NE Bill 773

~~Advis~~

~~Advis~~ P/C from Lt. Col. Barron 242-3077

1 hour before 2 after

500 feet

Injunctive relief

Punitive / Compensatory / Attys Fees / Costs

Don't target funeral of a military

**94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4532**

Introduced 1/11/2006, by Rep. Brandon W. Phelps - Donald L. Moffitt - John A. Fritchey - Linda Chapa LaVia - Harry R. Ramey, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 1961 relating to disorderly conduct. Provides that engaging in any loud protests of singing, chanting, whistling, or yelling with or without noise amplification, displaying any visual images that convey fighting words or actual or veiled threats against any other person, engaging in a directed protest march or picket at any public location when any of these activities are conducted within 300 feet of any entrance to a facility being used for a funeral or memorial service, or blocking access to such facility at any time during the period starting 30 minutes before any funeral or memorial service is scheduled to begin and ending 30 minutes after the funeral or memorial service terminates is disorderly conduct in which the penalty is a Class C misdemeanor. Provides that the provisions of the Act are severable. Effective immediately.

LRB094 16788 RLC 52059 b

CORRECTIONAL BUDGET
AND IMPACT NOTE ACT
MAY APPLY

A BILL FOR

HB4532

LRB094 16788 RLC 52059 b

1

AN ACT concerning criminal law.

4 (5) Enters upon the property of another and for a lewd
5 or unlawful purpose deliberately looks into a dwelling on
6 the property through any window or other opening in it; or

7 (6) While acting as a collection agency as defined in
8 the "Collection Agency Act" or as an employee of such
9 collection agency, and while attempting to collect an
10 alleged debt, makes a telephone call to the alleged debtor
11 which is designed to harass, annoy or intimidate the
12 alleged debtor; or

13 (7) Transmits or causes to be transmitted a false
14 report to the Department of Children and Family Services
15 under Section 4 of the "Abused and Neglected Child
16 Reporting Act"; or

17 (8) Transmits or causes to be transmitted a false
18 report to the Department of Public Health under the Nursing
19 Home Care Act; or

20 (9) Transmits or causes to be transmitted in any manner
21 to the police department or fire department of any
22 municipality or fire protection district, or any privately
23 owned and operated ambulance service, a false request for
24 an ambulance, emergency medical technician-ambulance or
25 emergency medical technician-paramedic knowing at the time
26 there is no reasonable ground for believing that such
27 assistance is required; or

28 (10) Transmits or causes to be transmitted a false
29 report under Article II of "An Act in relation to victims
30 of violence and abuse", approved September 16, 1984, as
31 amended; or

32 (11) Transmits or causes to be transmitted a false
33 report to any public safety agency without the reasonable
34 grounds necessary to believe that transmitting such a
35 report is necessary for the safety and welfare of the
36 public; or

HB4532

- 3 -

LRB094 16788 RLC 52059 b

1 (12) Calls the number "911" for the purpose of making
2 or transmitting a false alarm or complaint and reporting
3 information when, at the time the call or transmission is
4

made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency; or -

(13) Engages in any loud protests of singing, chanting, whistling, or yelling with or without noise amplification including, but not limited to, bullhorns, auto horns, and microphones within 300 feet of any entrance to a facility being used for a funeral or memorial service at any time during the period starting 30 minutes before any funeral or memorial service is scheduled to begin and ending 30 minutes after the funeral or memorial service terminates; or

(14) Displays any visual images that convey fighting words or actual or veiled threats against any other person within 300 feet of any entrance to a facility being used for a funeral or memorial service at any time during the period starting 30 minutes before any funeral or memorial service is scheduled to begin and ending 30 minutes after the funeral or memorial service terminates; or

(15) Blocks access to any facility being used for a funeral or memorial service at any time during the period starting 30 minutes before any funeral or memorial service is scheduled to begin and ending 30 minutes after the funeral or memorial service terminates; or

(16) Engages in a directed protest march or picket at any public location within 300 feet of any entrance to a facility being used for a funeral or memorial service at any time during the period starting 30 minutes before any funeral or memorial service is scheduled to begin and ending 30 minutes after the funeral or memorial service terminates.

(b) Sentence. A violation of subsection (a)(1), (a)(13),

HB4532

- 4 -

LRB094 16788 RLC 52059 b

(a)(14), (a)(15), or (a)(16) of this Section is a Class C misdemeanor. A violation of subsection (a)(5), (a)(11), or (a)(12) of this Section is a Class A misdemeanor. A violation

of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(4), (a)(7), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than \$3,000 and no more than \$10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(6) of this Section is a Business Offense and shall be punished by a fine not to exceed \$3,000. A second or subsequent violation of subsection (a)(7), (a)(11), or (a)(12) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(5) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01; 93-431, eff. 8-5-03.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

Dsida, Michael

From: Dsida, Michael
Sent: Tuesday, January 17, 2006 11:00 AM
To: Reineking, Marlene
Subject: Disorderly conduct at funerals

Besides the issues that I mentioned in the voicemail message that I left for you (regarding Lt. Col. Barron's proposals), I also wanted to let you know about a constitutional problem presented by the Illinois bill. One of the provisions in the Illinois bill prohibits engaging "in a directed protest march or picket at any public location within 300 feet of any entrance to a facility being used for a funeral or memorial service" within the specified time period. Although I am not entirely sure what a "directed protest march" is, this provision would probably prohibit a person from picketing at a government building close to a place of worship where a funeral or memorial service is occurring -- regardless of whether the person knew about the service and regardless of the subject of the protest. (Note that the bill does not require that the protest have any connection to the funeral or memorial service in order to be prohibited.) This would probably violate the First Amendment.

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us



7/18 D/C from Marlene

~~Rev~~ Specify graveside services

Include Visitation

Define facility to include cemetery, mausoleum

Add procession (told her that this may pose time/place/manner problems)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4369/2

MGD: A

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY

Gen

- 1 AN ACT ...; relating to: disorderly conduct at a funeral or memorial service and
- 2 providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Current law prohibits disorderly conduct. ✓ Disorderly conduct is defined as engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Disorderly conduct is a Class B misdemeanor that is punishable by a fine of up to \$1,000 ✓ or imprisonment for up to 90 days or both. ✓

Under this bill, doing any of the following in connection with a funeral or memorial service during the period starting 30 minutes before the service is scheduled to begin and ending 30 minutes after the service ends constitutes disorderly conduct: 1) engaging in a loud protest, with or without using an electric sound amplification device, involving singing, chanting, whistling, yelling, or honking a motor vehicle horn within 300 ✓ feet of any entrance to a facility being used for the service if the protest is intended to disrupt the service; 2) ✓ displaying any visual image that conveys fighting words or actual or veiled threats against any other person within 300 feet of any entrance to a facility being used for the service; ✓ and 3) intentionally blocking access to a facility being used for the service. ✓

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 947.01 of the statutes is renumbered 947.01 (intro.) and amended to read:

947.01 Disorderly conduct. (intro.) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor. Doing any of the following in connection with a funeral or memorial service during the period starting 30 minutes before the service is scheduled to begin and ending 30 minutes after the service ends is a violation of this section.

History: 1977 c. 173; 1979 c. 131.

SECTION 2. 947.01 (1) of the statutes is created to read:

947.01 (1) Engaging in a loud protest, with or without using an electric sound amplification device, that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within 300 feet of any entrance to a facility being used for the service if the protest is intended to disrupt the service.

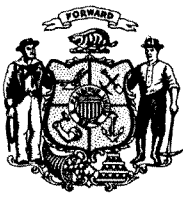
SECTION 3. 947.01 (2) of the statutes is created to read:

947.01 (2) Displaying any visual image that conveys fighting words or actual or veiled threats against any other person within 300 feet of any entrance to a facility being used for the service.

SECTION 4. 947.01 (3) of the statutes is created to read:

947.01 (3) Intentionally blocking access to a facility being used for the service.

(END)



2005 BILL

TODAY

Replace all w/ 05-4444/1

- 1 **AN ACT to renumber and amend** 947.01; and **to create** 947.01 (1), 947.01 (2)
2 and 947.01 (3) of the statutes; **relating to:** disorderly conduct at a funeral or
3 memorial service and providing a penalty. *ies*

Analysis by the Legislative Reference Bureau

Current law prohibits disorderly conduct. Disorderly conduct is defined as engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Disorderly conduct is a Class B misdemeanor that is punishable by a fine of up to \$1,000 or imprisonment for up to 90 days or both.

Under this bill, doing any of the following in connection with a funeral or memorial service during the period starting 30 minutes before the service is scheduled to begin and ending 30 minutes after the service ends constitutes disorderly conduct: 1) engaging in a loud protest, with or without using an electric sound amplification device, involving singing, chanting, whistling, yelling, or honking a motor vehicle horn within 300 feet of any entrance to a facility being used for the service if the protest is intended to disrupt the service; 2) displaying any visual image that conveys fighting words or actual or veiled threats against any other person within 300 feet of any entrance to a facility being used for the service; and 3) intentionally blocking access to a facility being used for the service.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 947.01 of the statutes is renumbered 947.01 (intro.) and amended

to read:

947.01 Disorderly conduct. (intro.) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor. Any of the following in connection with a funeral or memorial service during the period starting 30 minutes before the service is scheduled to begin and ending 30 minutes after the service ends is a violation of this section:

SECTION 2. 947.01 (1) of the statutes is created to read:

(1) Engaging in a loud protest, with or without using an electric sound amplification device, that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within ⁵⁰⁰300 feet of any entrance to a facility being used for the service if the protest is intended ^{or likely} to disrupt the service.

SECTION 3. 947.01 (2) of the statutes is created to read:

2. (947.01 (2)) Displaying any visual image that conveys fighting words or actual or veiled threats against any other person within ⁵⁰⁰300 feet of any entrance to a facility being used for the service.

SECTION 4. 947.01 (3) of the statutes is created to read:

3. (947.01 (3)) Intentionally blocking access to a facility being used for the service.

(END)

TODAY

2005 BILL

4369/2
LRB-4447/T
MGD:jld:rs
LRS-
note

Regen

- 1 AN ACT *to renumber* 947.01; and *to create* 947.01 (2) of the statutes; **relating**
2 **to:** disrupting a funeral or memorial service or a funeral procession and
3 providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits disorderly conduct, which is defined as engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A person who commits disorderly conduct is guilty of a Class B misdemeanor and may be fined up to \$1,000 or imprisoned in the county jail for up to 90 days or both.

Under this bill, no person may do any of the following during a funeral or memorial service (including a wake), during the 60 minutes immediately preceding a funeral or memorial service that has a scheduled starting time, or during the 60 minutes immediately following a funeral or memorial service: 1) engage in a loud protest that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within 500 feet of any entrance to a facility being used for the service (including a cemetery) if the protest is intended to disrupt the service; 2) display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service; or 3) intentionally block access to a facility being used for the service. In addition, under the bill, no person, with the intent to disrupt a funeral procession, may impede vehicles that he or she knows are part of the procession. In general, a person who

BILL

violates either of these prohibitions is guilty of a Class A misdemeanor and may be fined up to \$10,000 or imprisoned in the county jail for up to nine months or both. But if a person violates one of these prohibitions after having been convicted of a prior violation of either of them, the person is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, consists of a term of confinement in prison followed by a term of extended supervision) or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 947.01 of the statutes is renumbered 947.01 (1).

2 **SECTION 2.** 947.01 (2) of the statutes is created to read:

3 947.01 (2) (a) In this subsection:

4 1. "Facility" includes a cemetery in which a funeral or memorial service takes
5 place.

6 2. "Funeral or memorial service" includes a wake but does not include a service
7 that is not intended to honor or commemorate one or more specific decedents.

8 (b) No person may do any of the following during a funeral or memorial service,
9 during the 60 minutes immediately preceding a funeral or memorial service that has
10 a scheduled starting time, or during the 60 minutes immediately following a funeral
11 or memorial service:

12 1. Engage in a loud protest, with or without using an electric sound
13 amplification device, that involves singing, chanting, whistling, yelling, or honking
14 a motor vehicle horn within 500 feet of any entrance to a facility being used for the
15 service if the protest is intended to disrupt the service.

BILL

2. Display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service.

4 3. Intentionally block access to a facility being used for the service.

5 (c) No person, with the intent to disrupt a funeral procession, may impede
6 vehicles that he or she knows are part of the procession.

7 (d) 1. Except as provided in subd. 2., any person who violates this subsection
8 is guilty of a Class A misdemeanor.

9 2. Any person who violates par. (b) after having been convicted of a violation
10 of this subsection is guilty of a Class I felony.

11 (END)

Barman, Mike

From: Colbert, Kathie
Sent: Tuesday, January 24, 2006 1:51 PM
To: Barman, Mike
Subject: RE: Draft Review: LRB 05-4369/1 Topic: This is a topic

Oops....sorry!

From: Barman, Mike
Sent: Tuesday, January 24, 2006 1:50 PM
To: Musser, Terry
Cc: Dsida, Michael
Subject: RE: Draft Review: LRB 05-4369/1 Topic: This is a topic

This draft is being redrafted by Atty. Mike Dsida to a "/2" ... so I can not jacket the "/1" version for you.

After receiving "/2" please let us know if you wish to have the new version jacketed. Thanks

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561 / mike.barman@legis.state.wi.us

From: Musser, Terry
Sent: Tuesday, January 24, 2006 1:41 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4369/1 Topic: This is a topic

Please Jacket LRB 05-4369/1 for the ASSEMBLY.